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UNITED STATES OF AMERICA

- V. -

MARCUS McKOY,

Defendant.

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~~[PROPOSED]~~ ORDER

: 21 Cr. 199 (CS)

Defendant Marcus McKoy seeks to proceed with a change of plea proceeding via teleconference instead of a personal appearance in court. In view of the ongoing pandemic, teleconferencing has been employed by judges in the Southern District of New York. This Court finds that any further delay in this proceeding would result in serious harm to the interests of justice, and that videoconferencing is not reasonably available. Proceeding by teleconference with a change of plea advances Mr. McKoy's case and furthers justice without undue delay. See § 15002 (b)(2) of the Coronavirus Air, Relief, and Economic Security ("CARES") Act.

During the change of plea proceeding, the Court
will allocute the defendant on his consent to proceed via
teleconference as previously stated by his counsel.

SO ORDERED:

Dated: White Plains, New York
April 14, 2021



THE HONORABLE CATHY SEIBEL
United States District Judge
Southern District of New York

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

MARCUS MCKOY,

Defendant.

APPLICATION

21 Cr. 199 (CS)

T. JOSIAH PERTZ hereby affirms, under penalty of perjury and pursuant to Title 28, United States Code, Section 1746, as follows:

1. I am an Assistant United States Attorney in the office of Audrey Strauss, United States Attorney for the Southern District of New York, and I am familiar with this matter.

2. The parties have reached an agreement to resolve the above captioned case. Mr. McKoy, defense counsel, and the Government wish to proceed with the change of plea hearing by teleconference instead of an in-person proceeding in light of the ongoing pandemic.

3. Mr. McKoy's counsel has informed the Government that Mr. McKoy has limited and unreliable internet access, making videoconferencing not reasonably available, and accordingly would prefer to proceed by teleconference. The Government does not object to proceeding in this manner.

4. During this pandemic, teleconferencing has been employed by judges in the Southern District of New York. The parties submit that any further delay in this

proceeding would result in serious harm to the interests of justice. Proceeding by teleconference with a change of plea advances Mr. McKoy's case, allows the Government and defense to achieve finality in the case short of a jury trial, and furthers justice without undue delay. See § 15002 (b)(2) of the Coronavirus Air, Relief, and Economic Security ("CARES") Act.

Respectfully submitted,

Dated: White Plains, New York
April 13, 2021

/s/ T. Josiah Pertz

T. JOSIAH PERTZ
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Southern District of New York
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